IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2636 of 2007

CRIME NO.37/07 OF CHADAYAMANGALAM POLICE STATION

.....

PETITIONER/ACCUSED NO.1:

ARUN SHAH @ BABU, S/O.ABDUL VAHID,
AGED 25 YEARS, MANJAPPARAVILA HOUSE,
MANJAPPARA P.O., AYOOR, KOLLAM DISTRICT.

BY ADV. SRI.T.GOPALAKRISHNAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR
OF POLICE, CHADAYAMANGALAM
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2636 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the first accused in Crime No.37/07 of Chadayamangalam Police Station, registered for offences punishable under Sections 143, 147, 148 and 307 IPC read with Section 149 thereof. The occurrence in the case has taken place on 5.2.2007. The allegation is that Accused Nos.2 to 8, who trespassed into one Silpa Bar Hotel and attempted to murder the defacto complainant, have travelled in a car bearing Reg.No.KL-2/F 3189 owned and driven by the petitioner.

3. According to the petitioner, he is a student of second semester MBA course in RVM College of Engineering and Technology, Dindigal; he has no involment in the alleged incident, though he has dropped some persons in his car upto Ayoor

Junction without any idea of their intention to do any unlawful act.

4. Considering the circumstances of the case and also the fact that the petitioner is a student of MBA, I am of the view that he can be granted anticipatory bail, imposing necessary conditions.

In the result, I allow this bail application and direct:

(i) the petitioner to surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) on such surrender and on his depositing, by way of cash security, an amount of Rupees twenty thousand and executing bail bond for Rupees twenty five thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) on such release the petitioner shall co-operate with the investigation in the case and

shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Mondays and Saturdays for a period of two months and thereafter as and when called for by the Investigating Officer, till the investigation in the case is over and final report is laid; and

(iv) the grant of anticipatory bail shall not stand in the way of the learned Magistrate granting custody of the petitioner to the Investigating Officer for questioning, if the Investigating Agency so asks for and the learned Magistrate deems it fit to grant, considering the circumstances of the case.

4th May, 2007 (K.P.Balachandran, Judge)

tkv